



**Town of Southern Shores
Council Meeting
December 3, 2013**

The Town of Southern Shores Council met in the Pitts Center located at 5375 N. Virginia Dare Trail at 7:00 p.m. on Wednesday, December 3, 2013.

COUNCIL PRESENT: Mayor Hal Denny, Mayor pro tem Jodi Hess, Council Members George Kowalski, David Sanders and Larry Lawhon.

COUNCIL ABSENT: None

OTHERS PRESENT: Town Manager Peter Rascoe, Town Attorney Ben Gallop and Town Clerk Sheila Kane.

CALL TO ORDER / PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE

Mayor Denny called the meeting to order at 7:00 p.m., led the Pledge of Allegiance, and held a Moment of Silence.

APPROVAL OF MINUTES

MOTION: Mayor Denny moved to approve the November 6, 2013 minutes as corrected. The motion was seconded by Council Member Sanders. The motion passed unanimously (5-0).

RECOGNITION OF OUTGOING COUNCIL MEMBERS

The Town Manager presented from the Town a certificate of appreciation along with a framed town seal to out-going Council Member Kowalski for all his dedicated service.

Council Member Kowalski stated he leaves this Town in the hands of a fantastic Town Manager, a new Mayor, and a new Council and wished them all the best of luck and keep making this the best town that we have on the Outer Banks.

The Town Manager expressed appreciation from the Town by presenting out-going Mayor Denny a certificate of appreciation for ten years of service along with a framed map of the Town. He read submitted letters of appreciation from former Mayor Paul Sutherland and former Council Member Eugene Kennedy thanking Mayor Denny for his dedicated service.

[Clerk's Note: Copies of the letters are hereby attached as Exhibit A].

Mayor Denny thanked everyone and stated that it isn't one person that can do this job. While accolades are good to hear, the reality is it takes all five of council. He said he is grateful of the opportunity to work with these five other citizen as a council and move the Town forward. No one can do it alone. Mayor Denny gave a special thank you to Mayor Pro Tem Hess, Council Member George Kowalski, Staff and the Town Manager.

OATHS OF OFFICE-MAYOR BENNETT AND COUNCIL MEMBER HOLLAND

The Town Clerk swore in Tom Bennett as Mayor and Leo Holland as Council Member.

AMENDMENTS / APPROVAL OF AGENDA

MOTION: Council Member Holland moved to approve the agenda as presented. The motion was seconded by Council Member Sanders. The motion passed unanimously (5-0).

ORGANIZATION OF COUNCIL AND MEETINGS

Election of Mayor Pro Tem / Oath

Mayor Bennett asked for any nominations for Mayor Pro Tem. Council Member Lawhon stated he would like to nominate Council Member Hess.

MOTION: Council Member Lawhon moved to nominate Council Member Hess to Mayor Pro Tem. The motion was seconded by Council Member Sanders. The motion passed unanimously (5-0).

The Town Clerk swore in Council Member Hess as Mayor Pro Tem.

Council Meeting Schedule 2014-Resolution 2013-12-01

The council meeting schedule for 2014 was presented to council for a vote. The schedule consists of a time change from 7:00 p.m. to 5:30 p.m. on the first Tuesday of the month and workshop meetings to be scheduled as needed.

MOTION: Mayor Pro Tem Hess moved to approve Resolution 2013-12-01. The motion was seconded by Council Member Sanders. The motion passed unanimously (5-0).

[Clerk's Note: A copy of Resolution 2013-12-01 is hereby attached as Exhibit B]

CONSENT AGENDA

The Consent Agenda consisted of the following items:

- Budget Amendment #6-Honeysuckle
- Budget Amendment #7-AED Donations
- Resolution 2013-12-02 Surplus Vehicles

MOTION: Mayor Pro Tem Hess moved to approve the consent agenda. The motion was seconded by Council Member Lawhon. The motion passed unanimously (5-0).

[Clerk's Note: A copy of Consent Agenda items are hereby attached as Exhibit C].

STAFF REPORTS

Town Planner: Town Planner, Wes Haskett, presented his monthly report containing the following:

- Permitting and Inspections for November, 2013
- Comprehensive Bicycle and Pedestrian Plan

Notice to Proceed from NCDOT to start work on the project has been received. The first Steering Committee meeting will be held on December 19th or December 20th.

[Clerk's Note: A copy of the Town Planner's report is hereby attached as Exhibit D].

Police Department:

Chief Kole presented his monthly report.

Southern Shores Volunteer Fire Department:

No report.

REPORTS FROM TOWN BOARDS

None

GENERAL PUBLIC COMMENT

None

OLD BUSINESS

None

NEW BUSINESS

None

OTHER ITEMS

Town Manager's report

The Town Manager addressed several issues:

- Dare County PIO welcomes Council to prepare a Christmas Greeting to air on Channel 20.
- Town Hall is decorated for Christmas and the exterior decorative lights will be turned on tomorrow, Wednesday December 4.
- The Town is co-sponsoring the upcoming Festivus 5K race to take place on Saturday, December 21, 2013 at the marketplace in Southern Shores.
- Phase II of the canal dredging maintenance project still remains eight (8) to nine (9) days ahead of schedule.
- The Town's Beach Stabilization project using Shoreline Management funds has been initiated. Ocean front homeowners have been notified and are encouraged to do their own fencing by December 31st and the Town will be planting dune grass and fertilizing.
- A future agenda item will be consideration of State mandated code changes due to recent legislation. Staff will bring a recommendation to Council for consideration at the January 7th Council meeting.
- A January Council Workshop meeting will be held at the Southern Shores Volunteer Fire Department at 9:00 a.m. on January 21st. The meeting is open to the public.
- Approximately eight months ago Council and the Town attorney discussed a potential local legislation dealing with quick take condemnation rights for some coastal North Carolina towns for the purpose of beach nourishment and gaining easements. There is a list of some coastal towns that do have the authority for quick take condemnation when it comes to beach nourishment, for the purpose of acquiring easements, and fee ownership in some cases to enable nourishment on the public beaches in the future. The General Assembly has a short session coming up in May and on behalf of the Council the Town Manager has conferred with Representative Tine and Senator Cook both individually and both have indicated they are more than happy to run this legislation if the Council so chooses. The Town Manager recommended this item be placed for discussion on the January 7th agenda. If Council decides to proceed with this legislation it will be needed in the form of a resolution.
- Committees that Council Members are currently on are as follows:
 1. Shoreline Management-Mayor Pro Tem Hess
 2. Dare County Tourism Board-Mayor Pro Tem Hess
 3. RPO: Council Member Lawhon
 4. Bike & Pedestrian- Mayor Bennett & Mayor Pro Tem Hess
 5. Gov Ed- Council Member Sanders
 6. Capital Improvement-Mayor Bennett & Council Member Lawhon
 7. Finance Committee-Mayor Bennett & Council Member Holland
- As directed by Council, on November 26th the Town Manager met with the various organizations that use Ginguite Creek / Currituck Sound Channel to explore their level of interest in maintaining that channel on a long term basis including ways and means to pay for that maintenance. The organizations consisted of the Southern Shores Civic Association, Martin's Point Homeowner Association, US Coast Guard Auxilliary, Southern Shores Boat Club, as well as members of Town Staff, Mayor Bennett and

Mayor Pro Tem Hess. The organizations reported that they have not had any complaints from boaters and it seemed the general consensus was that there is no immediate concern that the channel is filling in. They all recognized that that could shift with a hurricane. As long as there is three and a half feet of depth there will not be a problem with the types of boats that use the channel. Various organizations and the Town pay the Southern Shores Boat Club annually a fee to maintain the channel markers. Discussion of a possible \$10,000 a year placed in a fund for future maintenance dredging of the channel was discussed. The draft breakdown would be the Southern Shores Boat Club appropriating 15%, Southern Shores Civic Association 30%, Martin's Point Homeowner Association 15% and the Town appropriating 40%. A draft MOU not including the regular annual \$400 fee for channel markers would need to be presented to continue further discussions. The Town can use its current permit for this project. The Town Manager stated at the meeting he suggested that use of the SSCA boat ramp might need to include Town residents and property owners if the Town is to commit public tax dollars for the outside channel maintenance. Council stated the Town should be the ones to hold the maintenance dredging funds.

ACTION: Council directed the Town Manager to draft a MOU and call the organizations back to continue progress on setting up a fund for canal maintenance dredging of the Ginguite Creek/ Currituck Sound.

Town Attorney:

The Town Attorney stated after speaking with the Town Manager he recommended developing a litigation committee to continue with the Sampson Contracting vs. Town lawsuit which can be done by resolution at the next January meeting. He also stated the closed session on tonight's agenda can be removed.

Mayor's comments:

Mayor Bennett stated he was fortunate enough to work for over two years with Town Staff, the Town Manager and the Council under Mayor Hal Denny's direction. He stated he is very comfortable that the Town Staff we have here are professional in every way, do a superb job, and having worked with them for that period of time knows how hard they work and what they accomplish. It's a real blessing to be able to step into a situation where you have qualified, competent people from the Town Manager all the way down and back up the ladder. He stated he is looking forward to working with both Staff and fellow Council Members. He believes they are all motivated by doing what is best for the Town both long and short term. Mayor Bennett thanked everyone for their support and stated he will do his best to serve the Town in a way that reflects positive on the community and his role on Council.

Council Members' comments:

Mayor Pro Tem Hess congratulated Tom Bennett and thanked Hal Denny for his kind words.

Council Member Sanders thanked Hal Denny and George Kowalski for their service to the citizens of Southern Shores. He stated that of the six years he served on the Council the last two years in particular have been the most enjoyable and fruitful for the people of this Town. Through team work Council has worked effectively and efficiently.

Council Member Lawhon congratulated Mayor Bennett and Council Member Holland and stated he looked forward to working with them. He thanked Hal Denny for his mentorship.

Council Member Holland stated he has three (3) items he wanted to mention. First, the Red Cross is having a blood drive at Holy Redeemer Church tomorrow from 12:00 -6:00 p.m. Second, the Bonner Bridge is now closed for repairs and finally he will be resigning from the Chicahauk Property Owners Board.

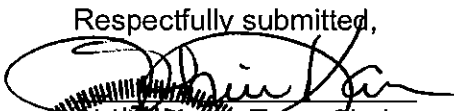
ADJOURN

MOTION: Council Member Lawhon moved to adjourn. The motion was seconded by Council Member Holland. The motion passed unanimously. The time was 8:18 p.m.

ATTEST:


Mayor Bennett

Respectfully submitted,


Sheila R. Lawhon, Town Clerk

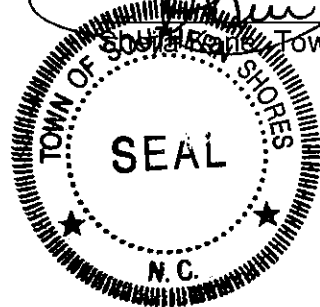


EXHIBIT A

Paul E. Sutherland
615 Laurel Lake Dr., A112
Columbus, NC 28722
paulusna55@windstream.net

1 December 2013

Dear Hal,

Congratulations to you and sincere thanks for a highly successful time as an elected official for the town of Southern Shores! Your service as a town councilman, mayor pro tem and mayor has been exemplary. Under your leadership, the town has flourished and grown. Just to mention a few of your accomplishments that you should be proud of:

- Initiation, planning and execution of a needed roadway maintenance program. None had existed before. To say that this was needed is an understatement.
- Resurrection of the stalled canal dredging project. This required not only a program review and change but also successful financial planning.
- Major town hall physical improvements that every citizen of the town should be extremely proud of.
- Initiation of the televising of town council meetings. This is a first.


The Hall Denny imprint was not just restricted to elective office leadership and accomplishments within the town of Southern Shores. Dare County at large was also a beneficiary. You served with distinction as a member of the Dare County Control Group and as a board member of the Dare County Tourism Bureau. In addition your energy was very present at Duck Methodist Church where you routinely were deeply involved. Most noteworthy was your personal dedication in several mission trips to devastated areas to help.

Public, community and Polk county service at large as well as and church have all benefited from your dedication, energy and foresight. I personally know of nothing that has not benefited from your involvement. I am certain that this will continue after your present elected service,

I am personally honored to have served with you. Though we were opponents in an election, we subsequently worked together like we were never opponents. It is my good fortune to not only know you but also to call you a close friend.

Pat and I want to sincerely wish you and Billie the best for the future. We are certain the best is yet to come for both of you.

God bless and fair winds,


Paul Sutherland
Former Mayor
Southern Shores

Eugene L. Kennedy
311 Old Towne Road
Savannah, GA 31410
1 November 2013

Subject: Mayor Hal Denny's "Retirement"


On the occasion of Hal's so called "retirement", I want to make a few remarks about his service to the town of Southern Shores and the Outer Banks community.

In a town of volunteers, Hal belongs at the top of any list! His unselfish service to the town began in the civic associations and clubs and continued as Councilman for four years and Mayor for another eight years. I had the pleasure of serving with him on the Town Council for several years. While we certainly did not agree on every issue we faced, he was always considerate of other points of view and was willing to compromise. He opted for common sense solutions and placed emphasis on what was best for all. Hal did not limit himself to working only in Southern Shores. He was also active in the Duck Methodist Church, the Civil Air Patrol and the Dare County Tourism Board. Both Hal and his wife Billy were among the first to offer a helping hand to those in need.

Like many living on the Outer Banks, Hal enjoyed fishing in the surf. He was a member of the Southern Shores Sharks Surf Fishing team and fished in many local tournaments. Always concerned with the environment, he was very considerate of fish, feeding many without ever removing them from the water. His team mates, including myself, were also able to accomplish this feat.

Even though Hal will no longer be holding public office, I suspect that he will continue to provide wise counsel to those who do and that he will also continue his tradition of giving of himself for the betterment of others!

Sincerely,


Eugene L. Kennedy
Councilman, 1999-2003



Town of Southern Shores
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
www.southernshores-nc.gov

Resolution 2013-12-01

COUNCIL MEETING SCHEDULE 2014

WHEREAS, the Town Council of Southern Shores hereby resolves to implement the following monthly meeting schedule for calendar year 2014 and;

WHEREAS, all Council meetings are scheduled to be held in the Kern P. Pitts Center.

BE IT RESOLVED that the regular monthly meetings of the Town of Southern Shores Town Council will take place in the Kern P. Pitts Center at 5:30 p.m. on the dates as follows:

Tuesday, January 7, 2014	Tuesday, July 1, 2014
Tuesday, February 4, 2014	Tuesday, August 5, 2014
Tuesday, March 4, 2014	Tuesday, September 2, 2014
Tuesday, April 1, 2014	Tuesday, October 7, 2014
Wednesday, May 7, 2014 (following Election Day)	Wednesday, November 5, 2014 (following Election Day)
Tuesday, June 3, 2014	Tuesday, December 2, 2014

BE IT RESOLVED that the Town of Southern Shores Town Council agenda workshop meetings may be scheduled by Council, as needed, for the third Tuesday of any month at 9:00 a.m. in the Kern P. Pitts Center, the Town Clerk to give appropriate notice.

BE IT RESOLVED any meeting may be cancelled for lack of agenda items.

BE IT FURTHER RESOLVED that to process routine actions in an expeditious manner a consent agenda will be utilized and administered by the Town Manager as part of Council's regular meeting agenda.

BE IT FURTHER RESOLVED to insure public comment is heard a Public Comment section will be placed on the Council meeting agendas.

Adopted this 3rd day of December, 2013

S E A L

ATTEST:

Tom Bennett, Mayor

Sheila Kane, Town Clerk

**Town of Southern Shores
Budget Amendment Number # 6**

[illegible]

Explanation: Town resident donated the money for 9 AED units for the Police Department

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Tom Bennett, Mayor

Date _____



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

Resolution 2013-12-02

A RESOLUTION DECLARING CERTAIN PROPERTY OF THE TOWN TO BE SURPLUS AND AUTHORIZING THE DISPOSITION OF SAID PROPERTY

WHEREAS, the Town Council of the Town of Southern Shores, North Carolina, has determined that the Town owns certain personal property that is no longer needed or usable by the Town; and

WHEREAS, the property is described below:

Dept.	Make	Model	Year	V.I.N. / Description
Police	Ford	Crown Victoria	2003	2FAFP71W83X101235
Police	Dodge	Durango	2004	1D4HB48D84F1944777

NOW, THEREFORE, BE IT RESOLVED by the Southern Shores Town Council that the Town Manager or his designee are hereby authorized to dispose of the aforementioned property by any means allowable to include offering for sale at public auction, donation to a nonprofit organization, internet on-line offering, private negotiation and sale, upset bid process, or destruction.

AND BE IT FURTHER RESOLVED that property described in this resolution is surplus as of December 3, 2013.

Tom Bennett, Mayor

ATTEST:

Sheila Kane, Town Clerk

12-3-13 TC Report

1. Permitting and Inspections for November, 2013

-9 Zoning Permits were issued.

-18 building permits were issued: 5
additions/alterations, and 13 others.

-63 building inspections were conducted (39 job sites).

-12 single-family dwellings are currently under
construction.

-Total amount of fees collected in November was
\$6,512.30

2. Comprehensive Bicycle and Pedestrian Plan

-We have received the Notice to Proceed from NCDOT to
start work on the project. We will be holding the first
Steering Committee meeting on December 19th or
December 20th.